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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 SCOTT CARROLL BOLTON,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON, et al.,

12 Defendants.
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CASE NO. C12-5658 BHS

ORDER DECLINING TO ADOPT
REPORT AND
RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation (“R&R”)
15 of the Honorable Karen L. Strombom, United States Magistrate Judge (“Judge
16 Strombom”) (Dkt. 12), Plaintiff Scott Carroll Bolton’s (“Bolton”) “Motion for an Order
17 to Submit Exhibits” (Dkt. 13), motion for extension of a deadline (Dkt. 14), and
18 submission of an amended complaint (Dkt. 16). The Court has considered the pleadings
19 filed in support of the motions and the remainder of the file. For the reasons stated
20 herein, the Court hereby declines to adopt Judge Strombom’s R&R, and denies Bolton’s
21 motion to extend the deadline for responding to the R&R as moot.
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1 On July 30, 2012, Bolton filed a prisoner civil rights complaint. Dkt. 5. On
2 September 24, 2012, Judge Stombom issued an R&R recommending that the case be
3 dismissed without prejudice and counted as a strike under 28 U.S.C. § 1915(g) because
4 the Plaintiff failed to file an amended complaint to cure deficiencies in his original
5 complaint and has failed to state a cognizable claim pursuant to 42 U.S.C. § 1983. *Id.* at
6 2. On October 17, 2012, Bolton filed an amended complaint. The Court accepts
7 Bolton's amended complaint (Dkt. 16) in response to Judge Strombom's R&R.

8 Therefore, the Court hereby **DECLINES** to adopt the R&R (Dkt. 12), and refers
9 the amended complaint (Dkt. 16) and pending motion to submit additional exhibits (Dkt.
10 13) to Judge Strombom for consideration. Bolton's request for an extension of the
11 deadline to respond to the R&R (Dkt. 14) is **DENIED as moot**.

12 Dated this 22nd day of October, 2012.

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15 BENJAMIN H. SETTLE
16 United States District Judge
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